

PLANNING BOARD

Town of Kirkwood
70 Crescent Drive
Kirkwood, NY 13795

March 11, 2024
Meeting Minutes

Present: Jim Bukowski, Member
Jason Maxian, Member
Dan Wasson, Member
Gordie Woolbaugh, Chairperson
Chad Moran, Building & Code Inspector
Gina Middleton, Attorney

Absent: Mike Maciak, Member

Chairman Woolbaugh called the meeting to order at 7:00 PM.

APPROVAL OF MINUTES:

Motion by Dan Wasson and seconded by Jim Bukowski to approved the minutes from the December 11, 2023 meeting as submitted.

Roll Call Vote:	Jim Bukowski	Yes
	Jason Maxian	Yes
	Dan Wasson	Yes
	Chairman Woolbaugh	Yes

Motion Carried.

E.A.F. DETERMINATION – RIVER RUN SOLAR FARM:

Mr. Tim Gourley, Project Engineer, was present.

Chairman Woolbaugh asked Mr. Gourley if he had received the 239 Recommendations from Broome County and he had not. Mr. Gourley reviewed the comments from Broome County which included concerns about the use of Roundup, the project partially within the Existing FEMA Special Flood Hazard Area and partially in the Preliminary FEMA Special Flood Hazard Area, the Site Management obligations for the landfill cap are addressed in the Floodplain Development Permit, O&M Plan, Decommissioning Plan, SWPPP, topographic and geomorphologic study and analysis, and that the project adheres to the Site Management obligations and include the DEC coordination for the landfill cap. Fire safety and suppression plan should be included as well. The Visual Impact Study should address the need for before and after views from the bordering and surrounding residential properties and the compliance with the Town VIS requirements for solar projects. There should be no battery storage on the site and address any hazardous materials in the panels and in the equipment. The Decommissioning Plan should address the need for a soil testing report. The Site Plan should show compliance with DPW and BCHD comments, Site Management obligations, panel and equipment specifications, emergency access and an interconnection agreement. The Town should ensure any studies consider the residential property located at 900 NYS Route 11 and across Route 11. Any dumpster should be enclosed. The applicant should be aware this project is in the MS4 Area and should adhere strictly to erosion and sedimentation control guidelines and provide a SWPPP. The utilities should be installed underground and in compliance with all laws, rules and regulations of the Town. Excavation for the underground utilities in and around the existing landfill cap should be detailed in the provided engineered plans.

Dan Wasson asked how many poles and Mr. Gourley commented 4 poles which will be located behind the water building.

Chairman Woolbaugh asked if there would be a visual impact to the properties from across the river and Chad Moran explained that is in the floodway, they are all vacant lots, never to be built upon, so there are no houses looking at it. Mr. Gourley explained there are mature trees along the riverbank on both sides so it will be visually screened naturally.

Mr. Gourley explained it is a 31-acre site, developing approximately 19 acres, essentially the cap area, the elevated area with an access road out using the existing paving that is in place. They will be using the ballasted fixed panels, set on a concrete or gravel base with the panels facing south. They have addressed all the concerns in the new solar regulations, all setbacks have been met. The noise is different, they are in an industrial area with 2 loud neighbors so they are contributing more to the noise. They were asked at the pre-application meeting, at the intersection of Route 11, to add a single row of arborvitae which will run from the property line heading south to where the topography changes.

Jim Bukowski asked if they had ever put in a ballasted project before and Mr. Gourley explained not yet but they are in the process now in Bainbridge at the former Borden site.

Dan Wasson asked about the arborvitae placed around the entire site in the Town ordinance and Ms. Middleton explained it requires screening around the site, it doesn't require specifically the arborvitae, but requires maintenance of trees or other foliage to properly screen. It is assumed that in any approval that is issued, it would require maintenance of existing woods and other natural vegetation that currently screens in other areas. Mr. Gourley explained that the adjacent property are industrial uses, that don't have any screening. They picked Route 11 for the screening because it is the only public facing section. Everything else is the 2 neighbors with industrial activities. Dan Wasson commented there is a resident back by the river and Mr. Gourley stated all the vegetation in that area will stay.

Ms. Middleton explained that the Board is going to have to decide regarding the visual buffer. In terms of conditions, maintenance of the existing natural foliage and if someone else's property has existing foliage and it comes down, it would require placement of arborvitae or some other screening. The lease agreement that was provided with Gutami Solar, LLC and the applicant is a different LLC. Mr. Gourley explained he had hoped to get an executed agreement but he doesn't have it yet.

Ms. Middleton asked Mr. Gourley if he would respond to the comments in writing and Mr. Gourley agreed to do that.

Mr. Middleton asked if he had been in contact with John Mastronardi and Mr. Gourley stated he had, in regards to the SWPPP.

Chad Moran commented that it was also mentioned, the north part of Route 11, regarding the screening, coming in 20 to 30 feet.

It was noted that the title on the EAF for Mr. Gourley is listed as Seidel Solar Farm and should be corrected.

SITE PLAN REVIEW – RIVER RUN SOLAR FARM:

Jim Bukowski asked if there is an access point off the residences, if you needed to get in there in an emergency and Mr. Gourley thought there was. They will have a gate at the main entrance and probably another 2 gates on

the site. There is an easement for the Town for the water line but the project is outside that easement.

Chairman Woolbaugh asked how many panels there are and Mr. Gourley explained there are 7320 panels, give or take. Chairman Woolbaugh asked about tracking and Mr. Gourley explained they are fixed. Chairman Woolbaugh asked if noise and glare have been addressed in the report and Mr. Gourley stated yes.

Chad Moran commented about the noise from one of the neighboring properties. With the doors open they could get up to 90 or 95 db. and with the doors closed the noise is at 60 to 65 db.

There was a discussion regarding the screening requirement. The applicant was more concerned about screening the residential properties than the commercial properties. Mr. Gourley has no problem with turning the corner with the screening as suggested by Chad Moran.

Ms. Middleton explained the Board would probably need to reopen the public hearing for at least one more meeting.

Motion by Jim Bukowski and seconded by Jason Maxian to reopen the Public Hearing for this project and is being held over to the next meeting to allow for additional materials.

Roll Call Vote:	Jim Bukowski	Yes
	Jason Maxian	Yes
	Dan Wasson	Yes
	Chairman Woolbaugh	Yes

Motion Carried.

Motion by Dan Wasson and seconded by Jason Maxian to adjourn the meeting. The meeting was adjourned at 7:35 pm.

Respectfully Submitted,

Mary Kay Sullivan
Secretary, Kirkwood Planning Board

cc:	Planning Board Members	Bob McKertich
	Kelley Diffendorf	Gina Middleton
	John Finch, Jr.	Katie Legg
	Chad Moran	Scott Snyder